

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS,)	
INC.,)	
)	
Plaintiffs,)	
)	JOINT PROPOSAL ON THE
v.)	COURSE OF CONTINUED
)	PROCEEDINGS
THE UNIVERSITY OF NORTH)	
CAROLINA AT CHAPEL HILL, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiff Students for Fair Admissions, Inc. and Defendants The University of North Carolina at Chapel Hill, et al., respectfully submit this joint proposal in response to the Court’s Order of October 1, 2015 directing the parties to “meet and confer and notify the Court in writing of their respective positions on the course of continued proceedings within 14 days following issuance of a decision by the Supreme Court in *Fisher II*.” (Dkt. 65)

I. Preliminary Statement

On May 4, 2015, the parties submitted their respective Rule 26(f) reports. (Dkt. 32, 33) The Court adopted the Defendants’ individual Rule 26(f) report with a minor modification, assigning the case to the Exceptional Case Management Track under Local Rule 26.1(a)(3). (Dkt. 34) Subsequently, on June 29, 2015, the Supreme Court granted certiorari in *Fisher v. Univ. of Texas at Austin*, No. 14-98(“*Fisher II*”).

On October 1, 2015, the Court entered an order partially staying the proceedings pending a decision by the Supreme Court in *Fisher II*. (Dkt. 65) The Court directed the parties to meet and confer and notify the Court in writing of their respective positions on the course of continued proceedings within 14 days of the Supreme Court's decision in *Fisher II*. (*Id.*)

On June 23, 2016, the Supreme Court decided *Fisher II*. *Fisher v. University of Tex. at Austin*, 579 U.S. ____ (2016) (slip op.). On July 6, Counsel for Defendants and Plaintiff participated in a conference call to meet and confer on the course of future proceedings, including a case schedule that would reflect the complexities of the litigation, scope and burdens of anticipated discovery, and time frames that would reflect reasonable and appropriate accommodation of interests particular to each party. The meet and confer discussion concluded with the Parties agreeing to a proposed discovery plan to present to the Court.

II. Proposed Discovery Plan

The Parties propose the following discovery plan:

1. The date proposed for completion of all discovery (fact and expert) is December 1, 2017. This period of time would allow approximately 12 months for fact discovery and 5 months for expert discovery.
2. The proposed date for completion of fact discovery is June 30, 2017.
3. The proposed date for completion of expert discovery is December 1, 2017. Reports required by Rule 26(a)(2)(B) and disclosures required by Rule 26(a)(2)(C) would be due during the proposed discovery period as follows:
 - (a) Affirmative expert reports by September 1, 2017

- (b) Rebuttal expert reports by October 2, 2017
 - (c) Reply Expert Reports by November 1, 2017
 - (d) All trial experts would be deposed during the 30 day period following the reply expert disclosures.
4. The proposed deadline for filing any motions for summary judgment is within 60 days of the close of all discovery. Motions in opposition to summary judgment would be due 30 days after motions for summary judgment, and reply motions would be due 14 days after motions in opposition to summary judgment.

Respectfully submitted this 7th day of July, 2016.

ROY COOPER
Attorney General

/s/ Stephanie Brennan
Stephanie Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin
Matthew Tulchin
Assistant Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
T: (919) 716-6920

/s/ Michael Y. Scudder Jr.
Michael Y. Scudder Jr.
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Driver
Chicago, IL 60606-1720
(312) 407-0877
E: michael.scudder@skadden.com

/s/ Lisa Gilford
Lisa Gilford
Skadden, Arps, Slate, Meagher & Flom LLP
300 South Grand Ave.
Suite 3400
Los Angeles, CA 90071
(213) 687-5130
E: lisa.gilford@skadden.com

Attorneys for Defendants

/s/ Thomas R. McCarthy
Thomas R. McCarthy
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: tom@consovoymccarthy.com

/s/ William S. Consovoy
William S. Consovoy
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: will@consovoymccarthy.com

/s/ J. Michael Connolly
J. Michael Connolly
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: mike@consovoymccarthy.com

/s/ Alan M. Ruley
NC State Bar No. 16407
Bell, Davis & Pitt, P.A.
P.O. Box 21029
Winston Salem, NC 27120-1029
(336) 714-4147
E: aruley@belldavisppitt.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2016, I filed a true and correct copy of the foregoing JOINT PROPOSAL ON THE COURSE OF CONTINUED PROCEEDINGS with the Clerk of Court using the CM/ECF system.

This 7th day of July, 2016.

/s/ Michael Y. Scudder Jr.

Michael Scudder

Skadden, Arps, Slate, Meagher &
Flom LLP

155 North Wacker Driver

Chicago, IL 60606-1720

(312) 407-0877

E: michael.scudder@skadden.com